

REMARKS

Pursuant to 37 C.F.R. §1.114, reconsideration of the instant application, as amended herewith, is respectfully requested with the filing of this Request for Continued Examination. Entry of the amendment is requested.

A main motivation for this request is that, according to large experimental evidence included in the specifications of this Patent Application, plus confirmatory experimental evidence obtained thereafter, the gas produced by the claimed apparatus, herein called the “Klein gas”, is dramatically different than pre-existing gases known as “Brown gas”.

The dramatic differences in the produced gas can only originate from dramatic novelties of the electrolyzer producing it, herein called “Klein electrolyzer”, as compared to pre-existing versions known as “Brown electrolyzer” or “electrolytic cell”.

In these remarks we first review and elaborate for the benefit of the Examiner the dramatic differences between the Klein and Brown gases, and then review the novelties of the Klein over the Brown electrolyzer, which novelties are necessary to achieve the differences in the produced gases in an industrially viable form. We shall also address the informal and non-technical comments by Wiseman on the Brown gas.

DRAMATIC DIFFERENCES BETWEEN THE KLEIN AND BROWN'S GASES

Some of the primary differences between the Klein and Brown gases are the following:

1) According to vast technical references published in the past three decades, the Brown gas has a conventional chemical composition consisting of 2/3 conventional hydrogen molecules H_2 and 1/3 conventional oxygen molecules O_2 . By comparison, the vast experimental evidence presented in this patent application has established that the Klein gas has a new chemical structure characterized by clusters of H and O atoms in various combinations, including H, H_2 , OH, OHH, OHHH, OOH, OOHH, etc. which new combinations cannot possibly be of conventional valence type because the valence bond would only admit the Brown gas from H and O atoms. The novelty in the bonds of the Klein gas then establishes the existence of dramatic novelties in the Klein electrolyzer as compared to the Brown version. Alternatively and equivalently, had the Klein electrolyzer been equal or even similar to the Brown version, the gases produced by the two electrolyzers would be identical.

In fact, within the Brown and Wiseman electrolytic cell, Brown and Wiseman both clearly define that separate Hydrogen gas (H_2) is generated on one side of the electrolytic plate while separate Oxygen gas (O_2) is generated on the opposite side of the electrolytic plate. Subsequent to the production of these separate gases, both Brown and Wiseman state that the two gases are then mixed at the top of each electrolytic cell and exit each electrolytic cell and the electrolyzer as a whole as a single mixed gas. The reason that this occurs is that in both Brown and Wiseman electrolyzers they are using solid, stainless steel electrolytic plates that have on one side a (-) negative electrical current flow and on the other side have a (+) positive electrical current flow.

Within the electrolytic cell of the present invention, the gas is being formed on both sides of the electrolytic plates as shown in the previously provided photos in the nonfinal office action response, wherein the present inventive gas is shown as bubbling clusters of gas being created from each and every electrolytic plate within the electrolyzer of the present invention and then bouncing back and forth between the dissimilar electrolytic plates that comprise the electrolyzer. This is caused by (i) the unique and novel design of the electrolyzer with its alternating plate design whereby a supplemental electrode made from a meshed material substantially made of nickel material, for example, a 99.9% nickel, mesh plate, is followed by a 14% nickel/stainless steel solid plate, which is then followed by another 99.9% nickel, mesh plate and so on and (ii) the unique and novel electrical current flow that is created within the electrolyzer whereby both sides of each and every electrolytic plate within the electrolyzer have a (+) and (-) electrical (ionic) current flow that causes the formation of gas over the entire surface area of both sides of each and every electrolytic plate within the electrolyzer.

2) According to experimental evidence also presented in this important patent application (see pages 21-29), the Klein gas is heavier than the Brown gas in the macroscopic amount of at least 12.3 %. This increased specific weight provides an additional independent confirmation of the novelty of the chemical structure of the Klein gas over the Brown version and, in turn, constitutes evidence of the novelty of the Klein electrolyzer over the Brown version.

In fact, numerous technical references have established that the Brown electrolytic cell is composed of a number of plates with opposing polarities in sequential series +, -, +, -,

...Consequently, according to well known laws of physics and chemistry, the hydrogen and oxygen are produced separately in plates with opposing polarities, and then they mix while rising to the surface of the liquid.

By contrast, as reviewed in more details below, the Klein electrolytic cell is conceived and constructed in such way NOT to have distinct polarities, as a necessary condition to PREVENT the separate production of H and O gases.

3) According to additional ample technical references, the Brown gas is afflicted by the so-called “seepage problem”, namely, some of the gas escapes through the walls of containers. By contract, according to declarations by independent observer Richard Lyons and applicant himself, both users of the Klein gas herewith attached (see declaration of Richard Lyons and Dennis Klein), the Klein gas has no such problems and its containment in pressure bottles is stable over long periods of time. Consequently, the Klein electrolyzer has dramatic novelties over the Brown version so as to admit such novelty in features.

The hydrogen molecule H_2 is the smallest molecules in nature, to such an extent that its size is generally smaller than the distance between the much heavier atoms constituting the walls of container. The seepage problem suffered by the Brown gas is easily established by the decrease in pressure of a storage tank. The same seepage problem is additional independent confirmation that the gas contains H_2 .

By comparison, the lack of seepage of the Klein gas through containers walls is additional independent confirmation of its structural novelty over the Brown gas with particular

reference to the ABSENCE in the Klein gas of conventional hydrogen molecules H_2 present in the Brown gas.

4) Also according to vast technical references initiated with Brown himself, the Brown gas is unstable and tends to recover the original water liquid state either at a rate depending on pressure or because of explosive processes triggered by motion or other instabilities. By comparison, the affidavits herewith attached, establish the stability of the Klein gas over protracted periods of time, which difference in stability constitutes further substantive evidence on structural differences between the Klein and Brown electrolyzers.

In essence, the drop in pressure in a tank containing the Brown gas is partially due to the seepage of H_2 through the walls, as well as to the fact that the H_2 and O_2 molecules slowly or violently reacquire their original state as liquid water molecules H_2O .

Brown describes his gas as a “highly explosive mixture in the gas generating cells” (col. 6, lines 50-55 of Brown Patent). The present inventive gas is very stable in the gas generating cell area of the present invention. Klein gas has detonation testing to support its “stability” claim, as described in the attached video. Further, Klein's gas is highly stable over the long term.

Brown's electrolyzer is sealed in a tube with plastic spacers between each electrolytic plate. The present inventive electrolyzer is not sealed and does not have plastic spacers between the electrolytic plates.

By comparison, the stability of the pressure of a tank containing the Klein gas over long periods of time establishes not only the lack of seepage, but also the lack of conversion of the Klein gas back to the liquid water state.

In turn, this dramatic difference in structure and behavior of the Klein and Brown gases can ONLY be explained via dramatic NOVELTIES of the Klein electrolytic cell over the Brown version.

5) The Klein and Brown gases have a number of additional dramatic differences, e.g., in uses and performances that can also be solely explained via dramatic novelties of the Klein versus the Brown electrolyzer.

As an example, the flame of the Klein gas can instantly melt bricks, a performance that is not equally possible with the Brown gas. This difference is additional independent evidence that the Klein gas contains not only individual atomic hydrogen, as also claimed by Brown et al., but also hydrogen atoms that have been polarized into toroidal forms.

In fact, the instant melting of bricks can be quantitatively explained only when the hydrogen atoms released by the combustion of the clusters composing the Klein gas are sufficiently “flattened” (polarized into toroids) so as to penetrate instantly into deeper layer of the brick structure, a feature that cannot be explained via the sole use of atomic hydrogen as known for the Brown gas. (See Figs. 3a-6 and the experimental scans/charts in Figs. 7-18 of the present application.)

This additional evidence establishes that the differences between the Klein and the Brown gas occur not only at the molecular level, but exist and actually initiate at the ATOMIC level. In turn, differences of such a dramatically deep character can only be explained via dramatic differences in the electrolyzers.

In regard to Wiseman, there is no possibility that his presentations in the web constitute prior art for any patent application because said presentations are mere comments (at times even negative) on Brown gas without any novelty, whether visible or by implication with respect to Brown's original patent.

It should be noted that the Brown gas and the Wiseman gas are the same, and that, Wiseman criticizes Brown for how he characterizes the gas. Neither Brown nor Wiseman discloses any bonding capabilities for Brown's gas. The present inventive gas has bonding capabilities as documented by laboratory tests described on pages 21-29 of the specification, including the drawings referred to therein.

In addition applicant attaches pages 49 and 57 of Brown's Gas, Book 2/from www.eagle-research.com authored by Wiseman for another example of Wiseman criticizing Brown's characterization the gas produced by his electrolyzer but again clearly contains no distinguishing argument as to the nature of the gas produced by Brown's device and Wiseman's device as they are the same, with both being significantly different than that of the Klein device, which produces a novel stable gas over the long term.

Wiseman first discusses misconceptions of Brown's gas, opining that he is misrepresenting his own gas through misinformation. He states that Brown persists in using $2H_2:O_2$ calculations to determine the performance of his gas opining that Brown can get away with this in most cases because his gas is not pure enough to demonstrate the difference. On page 57, he discusses a comparison of his equipment with that his own. Note the discussion relative to "China Syndrome" and "backfire arresters." Clearly, he is concerned about volatility in both his device and in Brown's device.

As an illustration, Wiseman indicates that the Brown gas is a “new form of water”. This comment is obvious and inessential since the Brown gas is indeed derived from water and returns to be water. To constitute meaningful prior art for this patent application, Wiseman should have indicated WHAT TYPE of new form of water is referred to among virtually endless possibilities that may be set by nature.

In summary, Wiseman comments have no connection, relevance or significance for the substantive, quantitative structural differences between the Klein and Brown gases as outlined in Remarks 1), 2), 3), 4) and 5) above as well as in the specifications of this important patent application. Consequently, there is no possibility whatsoever, direct or by implication or inference that a person skilled in the art could conceive the Klein gas and related electrolyzer by reading Wiseman’s informal comments.

Besides the above indicated declarations, applicant encloses herein with this response a Compact Disc depicting a short segment on the local Fox affiliate TV station highlighting his invention. Note the nature of the gas produced by applicant's electrolyzer on the video. Applicant is seen as touching the torch end after the flame was generated and shut. The torch end was cool to the touch. Any other combustible gas being used would have resulted in Applicant's fingers being burned. Clearly, this is an indication that there is something special and different about the gas produced by the electrolyzer herein claimed.

Also as part of the declaration of Dennis Klein, attached are photos marked A-E, which are described within the declaration.

Now referring specifically to the claim rejections:

Claims 1-6, 8, 21-28 and new claim 51 are presently pending before the Office after cancellation of the claims noted above. Applicant has amended the claims and the specification. No new matter has been added. Support for the amendments can be found throughout the specification as originally filed.

The Examiner's Action mailed April 28, 2005 and the references cited therein along with the advisory action and its references have been carefully studied by Applicant and the undersigned counsel. In addition, the issues discussed during the telephone interview with the examiner have been considered as well. The amendments appearing herein and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is believed to be in condition for allowance.

The terminal disclaimers for US 6689259 and US 6866756 to overcome the judicially created obviousness-type double-patenting rejections of the Examiner have been accepted by the Examiner; therefore claims 21-28 should be allowable as there has been no other rejection basis for these specific claims.

Applicant herein cancels the previously withdrawn claims.

The Examiner has objected to claim 1 alleging that the phrase “are not connected electrically to a power source” is unclear since the preceding clause does not relate to the supplemental electrodes. Applicant disagrees as line 8 of the claim refers to “one or more supplemental electrodes. Nevertheless, applicant has amended claim 1 as suggested by the Examiner.

Relying on 35 U.S.C. §112, second paragraph, the Office has rejected the subject matter of claim 1 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner alleges that the term non-vented is used by the claim to mean “intermittently opened”. Applicant does not understand the Examiner's interpretation of its March 8 arguments on page 16. The electrolyzer is adapted to be installed and used in a closed pressurized system so it is always under pressure, and is not vented off when a demand is made for more gas. Applicant respectfully traverses the rejection and requests reconsideration.

Applicant submits that claim 1 does define the legal metes and bounds of the invention. It is not the role of the claims to enable one skilled in the art to reproduce the invention but rather to define, for those skilled in the art the legal metes and bounds of the invention. Nevertheless, in order to advance the case to allowance, claim 1 has been amended.

It is respectfully submitted that claim 1, as amended herein, fully complies with 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

Relying on 35 U.S.C. §103(a), the Examiner has rejected the subject matter of claims 1-8 as obvious over Lin in view of Wong et al. Applicant respectfully traverses the rejection and requests reconsideration.

It is evident that Applicant's invention is decidedly different from the teachings of the Lin patent or the combination of the Lin and Wong patents, for the reasons discussed during the telephone interview with the Examiner.

Because the structure of Lin is significantly different than that of the present invention, the Lin device is incapable of producing a single gas having the characteristic of a combustible gas composed of combinations of hydrogen and oxygen atoms structured according to a general

formula H_mO_n wherein m and n have null or positive integer values with the exception that m and n can not be 0 at the same time.

In fact, the separately produced H and O gases of Lin could become very volatile if combined under the right circumstances. Therefore, the separate cavity/separate tank design of Lin is critical to producing two separate gases in a safe environment.

As discussed above, the Lin apparatus electrolyzer produces a combustible gas that is a post-production mixture of standard hydrogen (H_2) and standard oxygen (O_2). The Lin apparatus electrolyzer produces the hydrogen and oxygen gases separately and then mixes them in a post-production manner and as such the combustible gas is nothing more than a standard H_2 , O_2 mixture that is inherently unstable and which upon combustion will have a “fixed” combustion flame temperature and no bonding capabilities. The present invention produces a hydrogen/oxygen gas in a molecularly altered combined state that is inherently stable and which upon combustion has “variable” combustion flame temperature and novel bonding capabilities.

The Lin apparatus electrolytic plates are all made of the same materials. The present invention plates vary by using different materials on different plates (plates made substantially from a meshed nickel plate such as 99% and opposing plates that are made substantially from a solid stainless steel that may contain some nickel such as 14% nickel plates). The use of different materials on opposing plates positively demonstrates that the Klein apparatus electrolyzer is producing a different gas from the Lin apparatus electrolyzer. (See the gas lab reports, mass specs, etc., in the specification). Lin apparatus clearly makes separate and standard Hydrogen (H_2) and separate and standard Oxygen (O_2) and was clearly designed with this output in mind. The separate and standard H_2 and O_2 gases produced by the Lin apparatus electrolyzer

do not have the variable energy release capabilities or the bonding capabilities as the singular gas that is produced by the present inventive electrolyzer.

THE EXAMINER IS ALSO ASKED TO REVIEW THE SPECIFICATION AT PP. 22-29, WHEREIN IT IS DISCLOSED THAT SEVERAL INDEPENDENT LABS CONDUCTED TESTS TO ANALYZE APPLICANT'S PRODUCED GAS USING APPLICANT'S APPARATUS AS CLAIMED. THE TESTS RUN BY THE INDEPENDENT LABS CONFIRM THAT THE JOINTLY PRODUCED H AND O GAS OF THE PRESENT INVENTION HAS IN FACT BONDING CAPABILITIES AND IN FACT HAS VARIABLE ENERGY RELEASE CAPABILITIES, CAPABILITIES NOT POSSIBLE USING THE LIN APPARATUS OR THE WISEMAN DEVICE OR THE BROWN DEVICE.

Accordingly, the Examiner has not established a prima facie case of obviousness.

Nevertheless, in order to advance the case to allowance, Applicant has amended claim

1. Claims 1-6 and 8 are patentable over the art of record. Accordingly, withdrawal of the rejection is respectfully requested.

APPLICANT NOTES THAT THE EXAMINER, DURING THE TELEPHONE INTERVIEW, ACKNOWLEDGED THAT APPLICANT HAD OVERCOME THE REJECTION TO LIN AS THE STRUCTURES WERE DEFINITELY DIFFERENT, THAT IS, LIN'S DEVICE WAS DESIGNED AND CONFIGURED TO MAKE TWO SEPARATE GASES AND TO KEEP THEM SEPARATED TO AVOID THE POTENTIAL VOLATILE INSTABILITY OF THE GASES SHOULD THEY BE RECOMBINED UNDER CERTAIN

CONDITIONS. THE EXAMINER HAD SUGGESTED THAT HE MIGHT BE WILLING TO SUGGEST LANGUAGE IN CLAIM 1 TO DISTINGUISH THE FACT THAT THE PRESENT INVENTION IS CONFIGURED TO PRODUCE A SINGLE GAS. AS AN AFTERTHOUGHT, THE SINGLE GAS LANGUAGE IS NOT NEEDED BECAUSE THE STRUCTURES HAVE BEEN ACKNOWLEDGED TO BE DIFFERENT. IN ADDITION, LIN TEACHES THAT H GAS IS MADE AND COLLECTED THROUGH ONE PART OF HIS DEVICE AND O GAS IS MADE AND COLLECTED THROUGH A SEPARATE PART OF HIS DEVICE. THEREFORE, IT IS IMPOSSIBLE TO MAKE THE SAME GAS AS LIN USING THE PRESENT INVENTION. THAT IS, H AND O, IN THE PRESENT INVENTION, ARE PRODUCED JOINTLY TO MAKE A SINGLE COMBUSTIBLE GAS COMPOSED OF COMBINATIONS OF HYDROGEN AND OXYGEN ATOMS STRUCTURED ACCORDING TO A GENERAL FORMULA H_mO_n WHEREIN M AND N HAVE NULL OR POSITIVE INTEGER VALUES WITH THE EXCEPTION THAT M AND N CAN NOT BE 0 AT THE SAME TIME.

The Examiner has attached to the advisory action, web site reviews of Brown's gas and Brown patent 4,014,777, which he alleges teaches the same structure as the present invention. Applicant disagrees for the reasons stated above.

In addition, applicant point out that brown's patent and theory has been discussed thoroughly on pages 1-5 of the present application, wherein applicant distinguishes the gas produced from the present invention and brown's gas.

In addition, as noted several times above, the Examiner should review page 21 of the specification and the ensuing pages 22-29 which describes, in combination with the referred to

drawings, the experimental evidence of the novel form of combinations of magnetically bonded clusters of hydrogen and oxygen atoms structured according to a general formula H_mO_n .

The Examiner makes reference in the advisory action that because the structures described in the Wiseman website reference and in the '777 patent APPEAR to be similar, then he presumes that the same gas is being produced. This is an incorrect presumption. We refer above to the gas formed by the present invention as Klein gas and the comparison arguments.

CONCLUSION

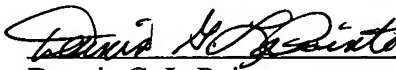
Even though the initial claims in this important patent application were drawn to a new, useful and nonobvious invention, they have now been amended to increase their specificity of language. Applicant respectfully submits that claims 1-6, 8 and 21-28 are patentable over the art of record.

A Notice of Allowance is earnestly solicited.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 943-9300 would be appreciated.

Very respectfully,

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Dennis G. LaPointe
LaPointe Law Group, P.L.
P.O. Box 1294
Tarpon Springs, FL 34688-1294
(727) 943-9300
Reg. No. 40,693

Customer No. 24040